

August 17, 2006

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
August 17, 2006

I. OPENING OF MEETING AT 9:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 20, 2006

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD JULY 20, 2006?

August 17, 2006

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	144.....	9
Agriculture.....	631.....	17
Arts Council.....	19.....	1
Capitol Development Board	32.....	0
Central Management Services	1,672.....	112
Children and Family Services.....	3,337.....	41
Civil Service Commission	4.....	0
Commerce & Econ. Opportunity	442.....	60
Commerce Commission.....	42.....	0
Corrections.....	12,418.....	95
Criminal Justice Authority.....	72.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	11.....	1
Emergency Management Agency	110.....	1
Employment Security.....	1,774.....	26
Environmental Protect. Agency	1,072.....	17
Financial. & Prof. Regulation	810.....	43
Guardianship and Advocacy	113.....	6
Healthcare and Family Services	2,333.....	29
Historic Preservation Agency	360.....	12
Human Rights Commission	11.....	2
Human Rights Department	142.....	8
Human Services	15,045.....	62
Investment Board.....	5.....	2
Juvenile Justice	1,339.....	18
Labor.....	79.....	7
Labor Relations Board Educational	16.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State	17.....	2
Law Enforce. Trng. & Standard Bd.	23.....	1
Medical District Comm.....	2.....	0
Military Affairs.....	143.....	3
Natural Resources	1,777.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	22.....	0
Property Tax Appeal Board	19.....	2
Public Health.....	1,120.....	35
Revenue	2,021.....	55
State Fire Marshal.....	152.....	9
State Police	1,479.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	84.....	1
Transportation.....	2,845.....	1
Veterans Affairs.....	1,174.....	5
Workers Comp. Commission.....	171.....	10
TOTALS	53,120.....	739

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Illinois Department of Revenue – Proposed Exemption (Continued from 7/20/06)

Position Number	37015-25-90-210-10-01
Position Title	Public Service Administrator
Bureau/Division	Lottery-Superintendent’s Office
Functional Title	Communications Manager
Incumbent	None
Supervisor	Lottery Superintendent (reports to Director)
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Dept. of Commerce and Economic Opportunity – Proposed Exemption

Position Number	40070-42-00-700-05-01
Position Title	Senior Public Service Administrator
Bureau/Division	Entrepreneurial/Small Business Programs
Functional Title	Assistant Deputy Director
Incumbent	None
Supervisor	Entrepreneurial/Small Business Programs Director (reports to agency Director)
Location	Sangamon County

CMS Recommendation: “This position meets the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption

Position Number	40070-13-30-310-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Insurance
Functional Title	Deputy Director Consumer Education
Incumbent	None
Supervisor	Chief Deputy Director (reports to Director, who in turn reports to agency Secretary)
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois Department of Revenue – Proposed Exemption

Position Number	40070-25-48-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Collections Bureau
Functional Title	Manager, Collections Bureau
Incumbent	Henry Butler
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUESTS FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

Communications Manager
Assistant Deputy Director
Deputy Director Consumer Education
Manager, Collections Bureau

V. CLASS SPECIFICATIONS

None submitted.

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Report as of July 31, 2006.

Agency	6/30/06	7/31/06	7/31/05
Agriculture	12	11	1
Arts Council	0	1	0
Central Management Services	3	2	7
Children and Family Services	8	8	9
Commerce and Economic Opportunity	2	2	0
Financial and Professional Regulation	6	5	1
Healthcare and Family Services	10	9	6
Historic Preservation	15	15	33
Human Rights Department	1	1	0
Human Services	3	3	0
Natural Resources	30	34	26
Labor	0	0	1
Property Tax Appeal Board	1	1	0
Public Health	0	0	1
State Fire Marshall	0	0	4
Transportation	25	53	10
Veterans Affairs	1	0	0
Totals	117	145	99

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL

DA-69-00¹

DA-70-00

Petitioner	Jill Remmers and Sandra Remmers	Appeal Date	3/16/00
Agency	DHS	Decision Date	08/02/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	No written charges	Recommended Decision	No jurisdiction; employees were not certified when they were discharged.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTERS?

• DISCHARGE APPEAL

DA-23-06

Petitioner	Zachary Finch	Appeal Date	10/13/05
Agency	DHS	Decision Date	07/27/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Falsifying documentation; failure to follow a directive & leaving work before the end of the overtime shift	Recommended Decision	Charges proven; unique factual circumstances warrant a 90-day suspension.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

• DISCHARGE APPEAL

DA-33-06

Petitioner	Daryl Scholtens	Appeal Date	2/28/06
Agency	DCFS	Decision Date	8/07/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Falsification of records; poor work performance	Recommended Decision	Charges partially proven; unique factual circumstances warrant a 90-day suspension.

¹ Consolidated appeals: DA-69-00 and DA-70-00; remanded to Commission by Circuit Court on March 21, 2005.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

- **DISCHARGE APPEAL**

DA-51-06

Petitioner	Michelle Lankford	Appeal Date	6/09/06
Agency	DVA	Decision Date	8/01/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Recommended Decision	Charges proven; discharge upheld.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

X. **APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

- **DISMISSAL**

RV-47-06

Petitioner	AFSCME	Appeal Date	5/16/06
Agency	DHS	Decision Date	7/25/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Discrimination and harassment from Chief Engineer, David Arvans	Proposed Finding	Default (failure to provide additional information); dismissed subject to Commission approval.

- **WITHDRAWN**

DA-55-06

Respondent	Devin Sheared	Appeal Date	6/26/06
Agency	DOC	Decision Date	7/19/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Withdrawn; dismissed subject to Commission approval.

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- **WITHDRAWN**

S-2-07

Respondent	Tana Logue	Appeal Date	7/13/06
Agency	DVA	Decision Date	8/01/06
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Recommended Decision	Withdrawn; dismissed subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSALS OF THE ABOVE MATTERS?

XI. STAFF REPORT

XII. PERSONNEL SEARCH

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, September 21, 2006 at 9:00 a.m. in the Commission's Chicago Office.

XIV. MOTION TO ADJOURN